

United States District Court

WESTERN DISTRICT OF WASHINGTON

JAMES D. SMITH

v.

BRIAN McGARVIE, et al.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C05-5156RJB

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That Plaintiff's objections are without merit;

The Report and Recommendation (Dkt. 116) is **ADOPTED**. Defendants' motion for summary judgment (Doc. 101) is **GRANTED**. With regard to plaintiff's claim of inadequate medical care, defendants have shown that there are no outstanding issues of fact and that they are entitled to judgment as a matter of law; plaintiff's claim that defendants violated his Eighth Amendment rights by denying him adequate medical care is **DISMISSED**. Plaintiff's remaining claims are unexhausted and are accordingly **DISMISSED**.

June 26, 2007
Date

BRUCE RIFKIN
Clerk

s/CM Gonzalez
Deputy Clerk